

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BOB KING,)
Plaintiff,)
v.)
STEVEN R. GLUNT, Superintendent;)
JENNEFER ROSSMAN, Unit)
Manager at SCI Houtzdale; CO 1)
HENRY, Unit Manager at SCI)
Houtzdale; REESE, Unit Manager at)
SCI Houtzdale; BAILEY, Unit)
Manager at SCI Houtzdale; MARY JO)
BARBER, Unit Manager at SCI)
Houtzdale; and ROBERT BLAKE,)
Unit Manager at SCI Houtzdale,)
Defendants.)
)

) Civil Action No. 12 – 111J
)

) Chief Magistrate Judge Lisa Pupo Lenihan
)

)
)

) ECF No. 25
)

ORDER

AND NOW, this 11th day of January, 2013;

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendants (ECF No. 25) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff is not permitted to amend his complaint as granting him leave to do so would be futile. *See Fletcher-Harlee Corp. v. Pote Concrete Contractors, Inc.*, 482 F.3d 247, 251 (3d Cir. 2007); *see also Alston v. Parker*, 363 F.3d 229, 235 (3d Cir. 2004) (asserting that where a complaint is vulnerable to dismissal pursuant to 12(b)(6), the district court must offer the opportunity to amend unless it would be inequitable or futile).

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



Lisa Pupo Lenihan
Chief United States Magistrate Judge

cc: Bob King
595 East 170th Street
Apt. 3N
Bronx, NY 10456
Via U.S. Postal Mail

Counsel of Record
Via Electronic Mail